

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4, 6-15, 17-19, and 21 are pending in the present application; Claims 5, 16, and 20 are canceled by the present amendment; and Claims 1, 2, 6-8, 10-13, 17-18, and 21 are amended. Support for the amendments, which were made for clarification, is found at least in the originally filed Claims 5 and 16. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-21 were rejected under 35 U.S.C. § 102(e) as anticipated by Kannas et al. (U.S. Patent No. 6,683,853, hereafter "Kannas").

In response to the rejection of Claims 1-21 under 35 U.S.C. § 102(e) as anticipated by Kannas, Applicants respectfully traverse this rejection for the following reasons. Amended Claim 1 recites:

A method of operating an admission control device in a mobile communication system capable of providing a first communication that guarantees a service quality and a second communication that does not guarantee the service quality at a mobile station, comprising:

sending a required service quality required by an application from the mobile station to the admission control device when the mobile station sends a service request, the mobile station configured to request at least one of the first communication and the second communication, according to a type of the application;

calculating, by the admission control device, a reference service quality as an admissible service quality, said reference service quality being a service quality when a propagation quality is lowest at the mobile station; and

admitting, by the admission control device, the service request from the mobile station if the required service quality is less than or equal to the reference service quality.

Independent Claims 10, 11, 12, and 21 include similar features. Therefore arguments made on behalf of Claim 1 also apply to Claims 10, 11, 12, and 21.

In a non-limiting example of the present invention, service quality is calculated so that if the system does not have adequate resources then the request for service is not admitted. That background art does not include calculating, by the admission control device, a reference service quality as an admissible service quality and does not include admitting, by the admission control device, the service request from the mobile station if the required service quality is less than or equal to the reference service quality, as recited in Claim 1. Like the background art, Kannas also does not provide this feature.

Kannas is directed toward dynamically upgrading a service.<sup>1</sup> Kannas upgrades and downgrades quality of service during a communication session.<sup>2</sup> Kannas does not calculate a reference service quality for determining admission. Rather, Kannas attempts to identify an available quality of service that might be more attractive to the user for use during the ongoing communication session.<sup>3</sup> More particularly, Kannas describes a user requesting a service with a request designating a desired quality of service at step 52.<sup>4</sup> Then in Kannas, the system does not deny access but rather provides a lower level of service if it detects the unavailability of the requested quality of service.<sup>5</sup> Therefore, Kannas does not describe calculating by the admission control device a reference service quality as an admissible service quality and admitting by the admission control device the service request from the mobile station if the required service quality is less than or equal to the reference service quality, as described in Claim 1.

Accordingly, the grounds for rejection of Claims 1-21 under 35 U.S.C. § 102(e) is believed to have been overcome. Therefore, it is respectfully requested that the rejection of Claims 1-21 under 35 U.S.C. § 102(e) as anticipated by Kannas be withdrawn.

---

<sup>1</sup> Kannas, title.

<sup>2</sup> Kannas, col. 2, lines 7-35.

<sup>3</sup> Kannas, col. 2, lines 24-28.

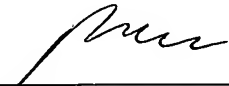
<sup>4</sup> Kannas, col. 5, lines 42-47.

<sup>5</sup> Kannas, col. 5, lines 46-51.

Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)  
BDL/MS:SJH

I:\ATTY\MS\24s\245552US\245552US AMENDMENT.doc